

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether (“MTBE”)  
Productions Liability Litigation

Master File C.A. No.  
1:00-1898 (SAS)  
MDL 1358

**This document refers to:**

All cases

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**DECLARATION OF WILLIAM P. HARRINGTON  
IN OPPOSITION TO GETTY PROPERTIES CORP.’S  
SUMMARY JUDGMENT MOTION**

WILLIAM P. HARRINGTON, declares the following under the penalties of perjury:

1. I am a member of the firm of Bleakley Platt & Schmidt, LLP, counsel for defendant Getty Petroleum Marketing Inc. (“GPMI”). I submit this declaration in opposition to the defendant Getty Properties Corp.’s (“Properties”) motion for summary judgment to dismiss the complaints filed against Properties in each of the 43 cases in which GPMI and Properties have been named as defendants.

2. The purpose of this declaration is to identify the exhibits referenced in GPMI’s papers submitted in opposition to the motion:

- GPMI Exhibit “1” - Properties’ 1997 Annual Report
- GPMI Exhibit “2” - Getty Realty Corp. website ([www.gettyrealty.com](http://www.gettyrealty.com))
- GPMI Exhibit “3” - Properties’ 2005 Annual Report
- GPMI Exhibit “4” - Amended Trademark License Agreement
- GPMI Exhibit “5” - Properties’ 1997 Information Statement

- GPMI Exhibit “6” - 1997 Reorganization Agreement
- GPMI Exhibit “7” - 1997 Master Lease
- GPMI Exhibit “8” - Liebowitz Deposition Transcript
- GPMI Exhibit “9” - 2000 Amended Master Lease
- GPMI Exhibit “10” - 2000 Environmental Indemnity Agreement
- GPMI Exhibit “11” - Properties’ 2002 Annual Report
- GPMI Exhibit “12” - Spreadsheets of Sites closed, sold or otherwise disposed of prior to the 1997 GPMI Spinoff Agreement and prior to the November 2, 2000 Lukoil Transaction
- GPMI Exhibit “13” - GPMI AS-400 Property Master Inquiry Screen for Upper Sheep Pasture Road (a/k/a 19 Terminal Road), Setauket, New York
- GPMI Exhibit “14” - Properties’ 2007 Annual Report
- GPMI Exhibit “15” - Amendment to Case Management Orders #38 and #39

3. For the reasons discussed in GPMI’s accompanying memorandum of law,

Properties’ motion should be denied in its entirety.

Dated: White Plains, New York  
July 17, 2008



WILLIAM P. HARRINGTON (WH-5262)